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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,638	03/14/2001	Mary Faris	G&C 129.35-US-01	5083
36327	7590	10/04/2004	EXAMINER	
AGENSYS C/O MORRISON & FOERSTER LLP 3811 VALLEY CENTRE DRIVE, SUITE 500 SAN DIEGO, CA 92130			HARRIS, ALANA M	
			ART UNIT	PAPER NUMBER

1642

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/809,638

Applicant(s)

FARIS ET AL.

Examiner

Alana M. Harris, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 14 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 09282004.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The finality of the action mailed May 19, 2004 has been withdrawn and PROSECUTION IS HEREBY REOPENED. A new action is set forth below.

2. Claims 1, 14 and 23 are pending.

Claim 7 has been cancelled.

Claims 14 and 23 have been amended.

Claims 1, 14 and 23 are examined on the merits.

***Withdrawn Rejections***

***Claim Rejections - 35 USC § 112***

3. The rejection of claims 14 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention is withdrawn. Claim 7 has been cancelled.

4. The rejection of claims 14 and 23 under 35 U.S.C. 112, first paragraph, because the specification, does not reasonably provide enablement commensurate with the scope of the claimed invention is withdrawn. Claim 7 has been cancelled.

***New Grounds of Rejection***

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 2, 14 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by WO200270539 A2 (filed March 5, 2002/ IDS reference 2, April 15, 2001).  
WO200270539 discloses sequence 1397, an amino acid sequence that is the same as Applicants' SEQ ID NO: 2, see the three attached database sheets.  
The isolated 125P5C8 protein (SEQ ID NO: 2) encoded by a 125P5C8 nucleotide, where T can be U comprises a polynucleotide of at least 10 bases of Figure 2 (SEQ ID NO: 1) that comprises the base at position 2065. Absent evidence to the contrary the disclosed polynucleotide that encodes a 125P5C8

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protein identified as SEQ ID NO: 2 is contained in the plasmid designated *Escherichia coli* DH5A 125P5C8PRO deposited with American Type Culture Collection as Accession No. PTA-3137.

### ***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1, 14 and 23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 12-17, 19, 21, 26, 51 and 52 of copending Application No. 10/099,460 (filed March 13, 2002). Although the conflicting claims are not identical, they are not patentably distinct from each other because SEQ ID NO: 2 of the instant application is 100% identical to SEQ ID NO: 3 and SEQ ID NO: 13 of the copending application reading on claim 1 of the copending application, 10/099,460 and intrinsically possessing all the attributes of the sequence disclosed in '460. Furthermore, SEQ ID NO: 1 of the instant application is

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the same as copending application's '460 nucleic acid sequence identified as SEQ ID NO: 12.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 1, 14 and 23 directed to an invention not patentably distinct from claims 1, 12-17, 19, 21, 26, 51 and 52 of commonly assigned co-pending application 10/099,460 (filed March 13, 2002). Specifically, both sets of claims read on identical nucleotide sequences and the encoded polypeptide sequence.

10. The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302). Commonly assigned 10/099,460 (filed March 13, 2002), discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon

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the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g); or 35 U.S.C. 102(e) for applications filed on or after November 29, 1999.

Db 2283 AAC 2285

## RESULT 2

ID AB211567 standard; cDNA; 2479 BP.

XX AB211567;

XX 20-JAN-2003 (first entry)

XX Human polynucleotide SEQ ID NO 449.

XX Human; genome mapping; gene therapy; food supplement; virus; fungus;  
XX cell-proliferative disorder; neurodegenerative disease; bacterial;  
XX Parkinson's disease; Alzheimer's disease; autoimmune disease;  
XX multiple sclerosis; diabetes; genetic disorder; wound; burn; infection;  
XX arthritis; cytostatic; immunomodulator; neotropic; neuroprotective;  
XX antiapoptosis; antidiabetic; immunosuppressive; dermatological;  
XX haemostatic; vulnerary; fungicide; antibacterial; virucide; protozoacide;  
XX antitumoric; gene; ss.

XX Homo sapiens.

XX MO200270539-A2.

XX 12-SEP-2002.

XX 05-MAR-2002; 2002MO-US005095.

XX 05-MAR-2001; 2001US-00799451.

XX (HYZE-) HYSBO INC.

XX Tang YT, Zhou P, Goodrich RW, Asundi V, Zhang J, Zhao QA, Ren F;  
XX Xue AJ, Yang Y, Ma Y, Yamazaki V, Chen R, Wang Z, Ghosh M;  
XX Wehrman T, Wang J, Wang D, Dymnac RT;

XX WPI: 2002-759812/82.

XX P-PsDB; ABP69350.

XX New polynucleotides comprising sequences assembled from expressed  
XX sequence tags (ESTs), useful for creating cell-proliferative,  
XX neurodegenerative, autoimmune, genetic, myeloid or lymphoid, or platelet  
XX or coagulation disorders.

XX Claim 1; SEQ ID NO 449; 1012BP + Sequence listing; English.

XX The invention relates to an isolated polynucleotide (1) comprising a  
XX nucleotide sequence selected from any of 948 sequences (AB211119-  
XX AB212066) or their mature protein coding portion, active domain coding  
XX protein or complementary sequences. The polynucleotides are useful for  
XX identifying expressed genes or for physical mapping of human genome. The  
XX encoded polypeptides (ABP68902-ABP69849) are useful as molecular weight  
XX markers, as a food supplement, for generating antibodies, in medical  
XX imaging, screening and diagnostic assays and for treating cell-  
XX proliferative disorders (cancer), neurodegenerative diseases (Parkinson's  
XX or Alzheimer's disease), autoimmune diseases (multiple sclerosis,  
XX diabetes, lupus) genetic disorders, myeloid or lymphoid disorders,  
XX platelet or coagulation disorders, wound, burn, incision, ulcers, liver  
XX or lung fibrosis, infections (bacterial, viral, fungal, parasitic),  
XX arthritis, etc. Note: The sequence data for this patent did not form part  
XX of the printed specification, but was obtained in electronic format  
XX directly from Wido at fcp.wipo.int/pub/published\_pat\_sequences

XX Sequence 2479 BP; 684 A; 517 C; 606 G; 672 T; 0 U; 0 Other;

XX Query Match 99.8%; Score 2099.8; DB 6; Length 2479;

XX Best local Similarity 99.8%; Pred. No. 0;  
XX Matches 2101; Conservative 0; Mismatches 2; Indels 0; Gaps 0;

XX 1 ATGACCTGCTGTGAGAGAAATCCTTGTGAGTGTGCTGTGAGATGTGTTCTTGCTT 60

Db 183 ATGACCTGCTGTGAGAGAAATCCTTGTGAGTGTGCTGTGAGATGTGTTCTTGCTT 242

Qy 61 CTCTACCATGACCTGGGACCGATGATCTATCTTCTTTGGCAACCTAGAACTCACT 120

Db 243 CTCTACCATGACCTGGGACCGATGATCTATCTTCTTTGGCAACCTAGAACTCACT 302

Qy 121 GGGCTTGAAGTTTATAGATAGCAATTTCTTCTCAATATTCCTTCAATTTACTCTTTC 180

Db 303 GGGCTTGAAGTTTATAGATAGCAATTTCTTCTCAATATTCCTTCAATTTACTCTTTC 362

Qy 181 TGGAAATTTGTTTACAGAAATGATGCTTAACCTGCTAGAGATATATCTATTTGGGAC 240

Db 363 TGGAAATTTGTTTACAGAAATGATGCTTAACCTGCTAGAGATATATCTATTTGGGAC 422

Qy 241 ATAGCTCTCTTCAGGCTCCAAATGCCAACTTGGACATGATGTTCTTGCGCTTGGGGTG 300

Db 423 ATAGCTCTCTTCAGGCTCCAAATGCCAACTTGGACATGATGTTCTTGCGCTTGGGGTG 482

Qy 301 TCTTCTCATGATAGTGAAGCTGTGACTTGTGTGTGTGTGTGTGTGTGTGTGTGTGTGT 360

Db 483 TCTTCTCATGATAGTGAAGCTGTGACTTGTGTGTGTGTGTGTGTGTGTGTGTGTGTGT 542

Qy 361 CTGGAATTTGGGATTCATTTTATGACAGATTTGTTCTTGTCTTCTTACGATATGAT 420

Db 543 CTGGAATTTGGGATTCATTTTATGACAGATTTGTTCTTGTCTTCTTACGATATGAT 602

Qy 421 ACTTCATTAACCAATCTGAGTATATGATGATGATGATGATGATGATGATGATGATGAT 480

Db 603 ACTTCATTAACCAATCTGAGTATATGATGATGATGATGATGATGATGATGATGATGAT 662

Qy 481 GGCATAGCCATCTTATGATGATGATGATGATGATGATGATGATGATGATGATGATGAT 540

Db 663 GGCATAGCCATCTTATGATGATGATGATGATGATGATGATGATGATGATGATGATGAT 722

Qy 541 AAGACTGCTGAGTATGACAGGAGTGGCTCTGAGCCAACTGGCTGGAGGGCT 600

Db 723 AAGACTGCTGAGTATGACAGGAGTGGCTCTGAGCCAACTGGCTGGAGGGCT 782

Qy 601 GCTTTTGTAGCTTGTGTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCT 660

Db 783 GCTTTTGTAGCTTGTGTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCTTCT 842

Qy 661 AGATGGGAGAGTATGAGTATGAGTATGAGTATGAGTATGAGTATGAGTATGAGTATGAG 720

Db 843 AGATGGGAGAGTATGAGTATGAGTATGAGTATGAGTATGAGTATGAGTATGAGTATGAG 902

Qy 721 GATCTGCTGT 780

Db 903 GATCTGCTGT 962

Qy 781 GGTTTATGCTGT 840

Db 963 GGTTTATGCTGT 1022

Qy 841 TGGGACCTGCTGT 900

Db 1023 TGGGACCTGCTGT 1082

Qy 901 ACATTTGACATCTTATTAATCTAGGAGCAACCTTGGGAAACATGATGATGATGATGATG 960

Db 1083 ACATTTGACATCTTATTAATCTAGGAGCAACCTTGGGAAACATGATGATGATGATGATG 1142

Qy 961 ATATTTATCTTCTAGAAATATTTTCTGTGCTGTGTGTGTGTGTGTGTGTGTGTGTGTGT 1020

Db 1143 ATATTTATCTTCTAGAAATATTTTCTGTGCTGTGTGTGTGTGTGTGTGTGTGTGTGTGT 1202

Qy 1021 GAGAGTGTCTACGTTAGAGAAATGATGATGATGATGATGATGATGATGATGATGATGATG 1080

Db 1203 GAGAGTGTCTACGTTAGAGAAATGATGATGATGATGATGATGATGATGATGATGATGATG 1262

Qy 1081 GAGGCTGAATATGCTATTTGTGTCTTAAAGAAACCTTGAATGCTTCTTCTTCTTCTTCTT 1140



Db 1263 GGGCTGAATATGCTATTGGTCCCTAAGAAAACCTTATTTGCTCTCTCAACAAAAC 1322  
 QY 1141 AGTTCTAAAGTCTCTTTCAGAAAGATGAAAAATCATGAAACCTTTTCTGTGCTGCTT 1200  
 Db 1323 AGTTCTAAAGTCTCTTTCAGAAAGATGAAAAATCATGAAACCTTTTCTGTGCTGCTT 1382  
 QY 1201 GTTGTGTGGGATTTGTGGGATTTAGACCTACGCGCTAAAGCCCTAAGAGAAAATGCGGC 1260  
 Db 1383 GTTGTGTGGGATTTGTGGGATTTAGACCTACGCGCTAAAGCCCTAAGAGAAAATGCGGC 1442  
 QY 1261 AAAGTGGGACCAACCAAGAGCTCTGCTGCGCATCTGCGCTTCAAGTTTGGATATGAC 1320  
 Db 1443 AAAGTGGGACCAACCAAGAGCTCTGCTGCGCATCTGCGCTTCAAGTTTGGATATGAC 1502  
 QY 1321 AATGAAGGCTGTCTAGTCTAGAAAGATCAAGCTCACTGCTCAATGAAAACAGTGCAGT 1380  
 Db 1503 AATGAAGGCTGTCTAGTCTAGAAAGATCAAGCTCACTGCTCAATGAAAACAGTGCAGT 1562  
 QY 1381 TTCAATAACAATTTTGGAGAGTATGCTCTAAGCCCTATATGAGGGAACATGACTTAAC 1440  
 Db 1563 TTCAATAACAATTTTGGAGAGTATGCTCTAAGCCCTATATGAGGGAACATGACTTAAC 1622  
 QY 1441 ATGTGCTAGGGGAAAAGTTGGGTTCTATACAGACTTTGCTCAAGCAAGTATGAC 1500  
 Db 1623 ATGTGCTAGGGGAAAAGTTGGGTTCTATACAGACTTTGCTCAAGCAAGTATGAC 1682  
 QY 1501 ACTTGGGGGATTTATGCTTTGTCAAGATCCCAATTTGTGAATCTAGACATCACTTCTT 1560  
 Db 1683 ACTTGGGGGATTTATGCTTTGTCAAGATCCCAATTTGTGAATCTAGACATCACTTCTT 1742  
 QY 1561 CGGTCAACAGAGGGGAGATGACCAAGCCATCAATTAACGCTTAACATTTGGGGAAG 1620  
 Db 1743 CGGTCAACAGAGGGGAGATGACCAAGCCATCAATTAACGCTTAACATTTGGGGAAG 1802  
 QY 1621 CTGTGTGATTTTGTCTGTACACACTTTGGGAACAGAAATGACCTGACAGGAAACAG 1680  
 Db 1803 CTGTGTGATTTTGTCTGTACACACTTTGGGAACAGAAATGACCTGACAGGAAACAG 1862  
 QY 1681 CAGGCTATGCTGCTTTCAAACTACTGAAAAAGTACCTTATCAAGTATTTCTGGGA 1740  
 Db 1863 CAGGCTATGCTGCTTTCAAACTACTGAAAAAGTACCTTATCAAGTATTTCTGGGA 1922  
 QY 1741 TATATCACTTGAACCTGCTGCAAGATTTATCTAAGCTCACTGAACATGGAATGAG 1800  
 Db 1923 TATATCACTTGAACCTGCTGCAAGATTTATCTAAGCTCACTGAACATGGAATGAG 1982  
 QY 1801 AAGGATATGACAGCACTGATCATGACAGATGCTGAATCAATTAATGATGAGGAGCTG 1860  
 Db 1983 AAGGATATGACAGCACTGATCATGACAGATGCTGAATCAATTAATGATGAGGAGCTG 2042  
 QY 1861 ATCAGTGTGGGTATGCAAGATCTCCATGCTGAATGAGTATGCAAAATCAAGT 1920  
 Db 2043 ATCAGTGTGGGTATGCAAGATCTCCATGCTGAATGAGTATGCAAAATCAAGT 2102  
 QY 1921 GCAAAATTTGGATCCCTGATGACCCCACTAATTAATGAGCAACGAAAGTGTGATA 1980  
 Db 2103 GCAAAATTTGGATCCCTGATGACCCCACTAATTAATGAGCAACGAAAGTGTGATA 2162  
 QY 1981 GACCAAGAGAGTCTGAGAAAATCAATTTATCCAGATTTGATCTCAAGAA 2040  
 Db 2163 GACCAAGAGAGTCTGAGAAAATCAATTTATCCCAATTTGATCTCAAGAA 2222  
 QY 2041 GGAACAAATTTGAAAAAACAACATATTTTCAATGAAATACCTCCAAATACCTTTTATGA 2100  
 Db 2223 GGAACAAATTTGAAAAAACAACATATTTTCAATGAAATACCTCCAAATACCTTTTATGA 2282  
 QY 2101 AAC 2103  
 Db 2283 AAC 2285

26	118	3.2	428	6	ABW70704	Abw70704
27	116.5	3.1	499	6	ADA33802	Aad33802
28	116.5	3.1	499	6	AAE26772	Aae26772
29	116	3.1	466	6	ABU31622	Abu31622
30	116	3.1	550	6	ABJ25677	Abj25677
31	115	3.1	317	6	ABU24105	Abu24105
32	114.5	3.1	660	6	ABU32096	Abu32096
33	114.5	3.1	829	5	ABB90887	Abb90887
34	113.5	3.1	513	2	AAJ38788	Aaj38788
35	112.5	3.0	269	2	AAW5786	Aaw5786
36	112.5	3.0	269	2	AAW43322	Aaw43322
37	112.5	3.0	269	6	ABP58050	Abp58050
38	112	3.0	438	3	AAE58056	Aae58056
39	112	3.0	438	3	AAE59437	Aae59437
40	112	3.0	438	3	AAE59184	Aae59184
41	112	3.0	485	3	AAE58055	Aae58055
42	112	3.0	499	3	AAE59436	Aae59436
43	112	3.0	690	7	ADK40118	Adk40118
44	111.5	3.0	717	7	ADK65311	Adk65311
45	111	3.0	648	6	ABU43467	Abu43467

## ALIGNMENTS

RESULT 1  
 ABP69350  
 ID ABP69350 standard; protein; 699 AA.  
 AC ABP69350;  
 DE 20-JAN-2003 (first entry)

DE Human polypeptide SEQ ID NO 1397.  
 XX  
 XX  
 AC Human; genome mapping; gene therapy; food supplement; virus; fungus;  
 KW cell-proliferative disorder; neurodegenerative disease; bacterial;  
 KW Parkinson's disease; Alzheimer's disease; autoimmune disease;  
 KW multiple sclerosis; diabetes; genetic disorder; wound; burn; infection;  
 KW arthritis; cytostatic; immunomodulator; neotropic; neuroprotective;  
 KW antiparkinsonian; antidiabetic; immunosuppressive; dermatological;  
 KW haemostatic; vulnery; fungicide; antibacterial; virucide; protozoacide;  
 KW antitachytic.  
 XX  
 OS Homo sapiens.  
 PN NO200270539-A2.  
 XX  
 PD 12-SEP-2002.  
 XX  
 PF 05-MAR-2002; 2002WO-US005095.  
 XX  
 PR 05-MAR-2001; 2001US-00799451.  
 PA (HSE-) HYSBO INC.  
 XX  
 XX Tang YT, Zhou P, Goodrich RW, Asundi V, Zhang J, Zhao Q, Ren F;  
 PI Xie J, Yang Y, Ma Y, Yamazaki V, Chen R, Wang Z, Ghosh M;  
 PI Wehrman T, Wang J, Wang D, Drmanac RT;  
 XX  
 DR WPI; 2002-759812/82.  
 DR N-PSDB; ABZ11567.  
 XX  
 XX New polynucleotides comprising sequences assembled from expressed  
 PT sequence tags (ESTs), useful for treating cell-proliferative,  
 PT neurodegenerative, autoimmune, genetic, myeloid or lymphoid, or platelet  
 PT or coagulation disorders.  
 XX  
 PS Claim 9; SEQ ID NO 1397; 1012bp + Sequence Listing; English.  
 XX  
 CC The invention relates to an isolated polynucleotide (1) comprising a  
 CC nucleotide sequence selected from any of 948 sequences (ABZ1119-  
 CC ABZ12066) or their mature protein coding portion, active domain coding

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Thu Aug 26 15:48:01 2004

us-09-8C

CC protein or complementary sequences. The polynucleotides are useful for  
 CC identifying expressed genes or for physical mapping of human genome. The  
 CC encoded polypeptides (ABP68902-ABP68949) are useful as molecular weight  
 CC markers, as a food supplement, for generating antibodies, in medical  
 CC imaging, screening and diagnostic assays and for treating cell-  
 CC proliferative disorders (cancer), neurodegenerative diseases (Parkinson's  
 CC or Alzheimer's disease), autoimmune diseases (multiple sclerosis,  
 CC diabetes, lupus) genetic disorders, myeloid or lymphoid disorders,  
 CC platelet or coagulation disorders, wound, burns, incision, ulcers, liver  
 CC or lung fibrosis, infections (bacterial, viral, fungal, parasitic),  
 CC arthritis, etc. Note: The sequence data for this patent did not form part  
 CC of the printed specification, but was obtained in electronic format  
 CC directly from WIPO at [http://wipo.int/pub/published\\_pcr\\_sequences](http://wipo.int/pub/published_pcr_sequences)  
 XX

Sequence 699 AA:

Query Match 100.0%; Score 3720; DB 5; Length 699;  
 Best Local Similarity 100.0%; Pred. No. 0;  
 Matches 699; Conservative 0; Mismatches 0; Indels 0; Gaps 0;

CC 1 MTSIMREILLESILGCVMSIVDLSKMIYFPLOTLEITGLGFSIAFLSPILITTPF 60  
 DB 1 MTSIMREILLESILGCVMSIVDLSKMIYFPLOTLEITGLGFSIAFLSPILITTPF 60  
 CC 61 WKLVNKKMMLTLRIITIGSISASPOAAMTALAGVSSLIYQAVTWWSGSHLORY 120  
 CC 61 WKLVNKKMMLTLRIITIGSISASPOAAMTALAGVSSLIYQAVTWWSGSHLORY 120  
 DB 61 WKLVNKKMMLTLRIITIGSISASPOAAMTALAGVSSLIYQAVTWWSGSHLORY 120  
 CC 121 LRINGFLIGQIVLVIRIWTSLNPIWYSQMSKVLTLTSAIATLDRIGTDGCKPEEK 180  
 CC 121 LRINGFLIGQIVLVIRIWTSLNPIWYSQMSKVLTLTSAIATLDRIGTDGCKPEEK 180  
 DB 121 LRINGFLIGQIVLVIRIWTSLNPIWYSQMSKVLTLTSAIATLDRIGTDGCKPEEK 180  
 CC 181 KTGEVATGMSRPMNLAGAAGSLVELTGMVPGESVLSRMAVSGHPGDPNPPGGA 240  
 CC 181 KTGEVATGMSRPMNLAGAAGSLVELTGMVPGESVLSRMAVSGHPGDPNPPGGA 240  
 DB 181 KTGEVATGMSRPMNLAGAAGSLVELTGMVPGESVLSRMAVSGHPGDPNPPGGA 240  
 CC 241 VLLGLASGLMPLSLNFRGTGLIWTGTDSANGLIYLTAAVSGCFPAITPASMPO 300  
 CC 241 VLLGLASGLMPLSLNFRGTGLIWTGTDSANGLIYLTAAVSGCFPAITPASMPO 300  
 DB 241 VLLGLASGLMPLSLNFRGTGLIWTGTDSANGLIYLTAAVSGCFPAITPASMPO 300  
 CC 301 TLGHINSNTNPGKMTIAMIYLLIEIFPCAMCTAFKPGGVARERSDVLGTMLII 360  
 CC 301 TLGHINSNTNPGKMTIAMIYLLIEIFPCAMCTAFKPGGVARERSDVLGTMLII 360  
 DB 301 TLGHINSNTNPGKMTIAMIYLLIEIFPCAMCTAFKPGGVARERSDVLGTMLII 360  
 CC 361 GINNLPKPKKLDLLQTNSSKVLPRKSEKWKLFMLNQGILGLGRHKAVERKIG 420  
 CC 361 GINNLPKPKKLDLLQTNSSKVLPRKSEKWKLFMLNQGILGLGRHKAVERKIG 420  
 DB 361 GINNLPKPKKLDLLQTNSSKVLPRKSEKWKLFMLNQGILGLGRHKAVERKIG 420  
 CC 421 KVAPTKEVSAIIPFRFGTDEMGWSLERSAHLANTGADFTTIESDSKPYGNDLT 480  
 CC 421 KVAPTKEVSAIIPFRFGTDEMGWSLERSAHLANTGADFTTIESDSKPYGNDLT 480  
 DB 421 KVAPTKEVSAIIPFRFGTDEMGWSLERSAHLANTGADFTTIESDSKPYGNDLT 480  
 CC 481 MMLGEKIGFYTDPSSTRYHTWGLMLSRPIYKSEHLLPSPEGLIAPATITLVNISGK 540  
 CC 481 MMLGEKIGFYTDPSSTRYHTWGLMLSRPIYKSEHLLPSPEGLIAPATITLVNISGK 540  
 DB 481 MMLGEKIGFYTDPSSTRYHTWGLMLSRPIYKSEHLLPSPEGLIAPATITLVNISGK 540  
 CC 541 LVDPAVTHFGNHEDDLDRKQALAVSKLSSNOVIFGYITSARSGSDIYQLTREGNV 600  
 CC 541 LVDPAVTHFGNHEDDLDRKQALAVSKLSSNOVIFGYITSARSGSDIYQLTREGNV 600  
 DB 541 LVDPAVTHFGNHEDDLDRKQALAVSKLSSNOVIFGYITSARSGSDIYQLTREGNV 600  
 CC 601 KOIDSTHDWCEYIMYRGLIRLQYARISHAELSDSEIQMAKRIIPDDPTNTRDNOKVVI 660  
 CC 601 KOIDSTHDWCEYIMYRGLIRLQYARISHAELSDSEIQMAKRIIPDDPTNTRDNOKVVI 660  
 DB 601 KOIDSTHDWCEYIMYRGLIRLQYARISHAELSDSEIQMAKRIIPDDPTNTRDNOKVVI 660  
 CC 661 DHRVSEKIHFRPGSGYKSGHNEHHFMMATPKCYL 699  
 CC 661 DHRVSEKIHFRPGSGYKSGHNEHHFMMATPKCYL 699  
 DB 661 DHRVSEKIHFRPGSGYKSGHNEHHFMMATPKCYL 699

standard, protein, 699 AA.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alana M. Harris, Ph.D. whose telephone number is (571)272-0831. The examiner works a flexible schedule, however she can normally be reached between the hours of 6:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alana M. Harris, Ph.D.  
28 September 2004

*amharris*  
ALANA M. HARRIS, PH.D.  
PRIMARY EXAMINER

*9/28/2004*